



# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2004 AGENDA

### ☒ Specific Waiver

#### SUBJECT

Request by **Raymond-Knowles Union Elementary School District** to waive *Education Code* (EC) Section 46202(b), the longer day incentive program for offering less time in the 2002-2003 fiscal year than what the district offered in 1982-1983 fiscal year at **Raymond-Knowles School** in grades four through eight (**shortfall of 1,650 minutes**).

Waiver Number: 1-7-2004

☒ **Action**

☐ **Consent**

#### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district maintain increased instructional time at Raymond-Knowles Elementary School in grades 4 through 8 from the required 56,700 minutes per year to 58,350 minutes per year (56,700 plus the 1,650 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the Education Code is very prescriptive and states that a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

#### SUMMARY OF KEY ISSUES

The Raymond-Knowles Union Elementary School District requests a waiver of EC section 46202(b), the penalty for falling below the 1982-1983 instructional minutes during the 2002-2003 fiscal year.

The auditor tested the instructional time at the district by reviewing the bell schedule as listed in the handbook and found them to be short by 1,650 instructional minutes for the year. However, the district claims that the bell schedules listed in the handbook were incorrect and that the fourth through eighth grade students were receiving the correct amount of instructional time of 56,700 minutes for the year.

## Raymond-Knowles Union Elementary School District

Page 2 of 2

The district has an older bell system and offered to let the auditor look at the bell ringing system directly to prove that the bells were ringing at the appropriate times providing the students with the appropriate amount of instructional time.

Instead the auditor used the information from the handbook and the district was found to be out of compliance with the longer day incentive program. The district has since revised their handbook to correctly state the instructional minutes required and will begin making up the time at the beginning of the 2004-2005 school year and continue in 2005-2006.

CDE also notes that, even looking at the times as reported in the handbook for grades 4 through 8, (55,950 minutes), at all times students were provided with more minutes than the minimum set in 1986-87 (54,000 minutes). They are incurring this penalty because they have already been providing more than the minimum in these grade levels since before 1982-1983. State statute does require that the higher level be constantly maintained.

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at Raymond-Knowles Elementary School in grades 4 through 8 from the required 56,700 minutes per year to 58,350 minutes per year (56,700 plus the 1,650 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

**Authority for the Waiver:** *Education Code* (EC) Section 46202

**Period of request:** July 1, 2002 to June 30, 2003

**Local board approval date(s):** May 18, 2004

**Bargaining unit(s) consulted on date(s):** None – this is a one school district with only four teachers.

**Name of bargaining unit(s)/representative(s):** None

**Position of bargaining unit(s) (choose only one):** None

☐ Neutral

☐ Support

☐ Oppose

Comments (if appropriate):

### **FISCAL ANALYSIS (AS APPROPRIATE)**

The penalty for this finding is: 38.52 (Average Daily Attendance) times \$5,082.39 (Base Revenue Limit) equals \$195,773 (Apportionment). 1,650 (Number of Minutes Short) divided by 57,600 (Number of Required Minutes) equals 0.028645833 (Percentage). \$195,773 (Apportionment) times 2.86% (Percentage) equals \$5,608.10 (Penalty). The district requests a waiver of the full penalty.

**BACKGROUND INFORMATION**

---

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.